

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN G. PEDICINI,

Plaintiff

-vs-

UNITED STATES OF AMERICA
UNITED STATES DEPARTMENT OF
AGRICULTURE,
Mike JOHANNNS¹, SECRETARY,
Defendants

CIVIL ACTION NO. 04-12395-JLT

PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT
AS TO RELIEF ONLY

COMES NOW the Plaintiff, pro se, and respectfully requests this Honorable Court to grant leave, pursuant to Federal Rules of Civil Procedure Rule 15(a), thereby permitting Plaintiff to amend his complaint as to relief only. Plaintiff states as follows:

1. Plaintiff seeks to consolidate EEOC Complaint #520-2007-00133X, Agency No. 2006-00124, with the relief requested in this complaint.

2. The relief sought under EEOC Complaint #520-2007-00133X, Agency No. 2006-00124 is the award of the "Temporary Opportunity" announcement to act as Supervisory Financial Management Specialist, GS501-13, for a period of time not to

¹ Pursuant to Federal Rules of Civil Procedure 25(d)(1), the new Secretary of the United States Department of Agriculture, Mike Johanns, is hereby substituted for Ann M. Veneman in this case.

exceed 120 days, and is already in this case, Bates-Stamped "P-2032".

3. Count I of this case has direct bearing on the EEOC Complaint cited herein. This Honorable Court has already ruled on March 29, 2007 that Count I is an issue that will go to trial. If Plaintiff ultimately prevails on Count I, the relief from the EEOC Complaint will be automatically activated.

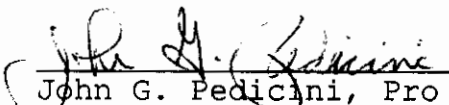
4. The amendment to Plaintiff's complaint involves the following addition to the relief paragraph, following ¶ 175 of the amended complaint filed on July 11, 2005:

"...an injunction ordering Defendants to award Plaintiff the "Temporary Opportunity", announced on September 26, 2005, to act as Supervisory Financial Management Specialist for a period of time not to exceed 120 days, with all the rights and privileges given to similarly-situated employees, who were awarded the 'Temporary Opportunity', in Plaintiff's Financial Management Unit."

In support of this motion, Plaintiff files a memorandum with this motion, and attaches to this motion and files with this motion supporting exhibits and Affidavit of John G. Pedicini hereto attached, and asks this Honorable Court to grant his Motion for Leave To Amend Complaint As To Relief Only.

Dated: April 16, 2007

Respectfully Submitted,



John G. Pedicini, Pro se
10 Milano Drive
Saugus, MA 01906
(781) 248-1385

CERTIFICATION UNDER L.R. 7.1

I certify that in accordance with Local Rule 7.1, I have conferred with Defendant's counsel and have attempted in good faith to resolve the issues addressed in this Motion on April 2, 2007 and that we were unable to resolve the issues set forth in this motion.

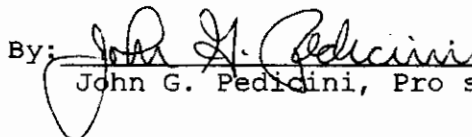

John G. Pedicini, Pro se

CERTIFICATION OF SERVICE

Pursuant to L.R. 5.2(b) I hereby certify that a true copy of the above document, the memorandum of law in support of the above motion, and the exhibits and affidavit of John G. Pedicini attached to this document in support of the above motion, were served on the Defendants April 16, 2007 by certified mail, return receipt requested to:

Ms. Barbara Healy Smith
Assistant U.S. Attorney
John Joseph Moakley United States Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210

Dated: 4/16/07

By: 
John G. Pedicini, Pro se